

REMARKS

Claims 1-4, 7-11, 13, 15 and 16 are pending in the application. Claims 1, 2, 3, 9, 10 and 11 have been amended and claims 5, 6, 12 and 14 have been canceled by way of the present amendment. Reconsideration is respectfully requested.

In the outstanding Office Action, claims 5, 6, 12, and 14 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter, as they do not fall under any of the statutory classes of inventions; claims 1-16 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,778,421 (Nagano et al.); claims 7-10, 15, and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagano et al. in view of U.S. Patent No. 5,917,912 (Ginter). Reconsideration is respectfully requested.

35 U.S.C. § 101 Rejections

Claims 5, 6, 12, and 14 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter, as they do not fall under any of the statutory classes of inventions. Claims 5, 6, 12 and 14 have been canceled by way of the present amendment. Therefore, it is respectfully submitted that the outstanding rejection is moot and should be withdrawn.

35 U.S.C. § 102 Rejections

Claims 1-16 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,778,421 (Nagano et al.). Applicant respectfully traverses the rejection.

First, it is respectfully submitted that anticipation requires the disclosure, in a prior art reference, of *each and every limitation* as set forth in the claims (emphasis added).¹ There must be no difference between the claimed invention and reference disclosure for an anticipation rejection under 35 U.S.C. § 102.² To properly anticipate a claim, the reference *must teach every element of the claim* (emphasis added).³ “A claim is *anticipated only if each and every element*

*as set forth in the claim is found, either expressly or inherently described, in a single prior art reference (emphasis added).”⁴ “The identical invention must be shown in as complete detail as is contained in the ... claim.”⁵ In determining anticipation, *no claim limitation may be ignored* (emphasis added).⁶*

It is respectfully submitted that the applied art in the outstanding Office Action do not meet the above-discussed criterion. In particular, claims 1 and 2 have been amended to clarify the invention and recite the limitations:

wherein the command unit, processing unit and access unit
are independent of each other,
wherein an owner of the data controls access to the
processing data for the program by controlling access to the
recording medium and
wherein only the program, program identifying information
and data identifying information are recorded in the processing
unit.

Claim 11 has been similarly amended. Support for the amendment is provided at least at page 2, lines 18-28; page 3, lines 13-18; and page 4, lines 12-14 and 18-27. Therefore, the amendment raises no question of new matter.

Ngano et al. discloses an information processing system for a disk-like storage medium that prevents the illegitimate reproduction of the disk-like storage medium to a secondary storage medium and prevents the use of an illegitimate disk-like storage medium in the information processing system.¹ In particular, Ngano et al. discloses a system cartridge **30** that further includes a system controller **32**, wherein the system controller **32** controls an optical reproduction unit **20**.² Further, Ngano et al. discloses the system cartridge **30** is inserted in a cartridge inlet of an image processor **10** and provides picture data and audio data received from the optical reproduction unit **20** to the image processor **10**.³

¹ Ngano et al. ABSTRACT and column 1, lines 23-31.

² *Id.* at FIG. 2; and column 5, lines 59-61.

³ *Id.* at FIG. 2; and column 5, lines 51-54.

Further, Ngano et al. discloses a decoder **31**, included in the system cartridge **30**, that converts picture data and program data read in serial form from the optical reproduction unit **20** into parallel data and sends this information, via a system controller **32**, to a CPU **11**.⁴ Furthermore, Ngano et al. discloses the optical reproduction unit **20** further comprises a pick-up **21** for reading optically the storage data in the optical disk (CD-ROM) **41** and the optical reproduction unit **20** also includes a drive controller **23** for controlling the position of the pick up **21**.⁵ Moreover, Ngano et al. discloses an optical storage device **40** as a secondary storage device that can be connected to and disconnected from the optical reproduction unit **20**.⁶

However, Ngano et al. nowhere discloses as amended claim 1 and claim 2 recite:

wherein the command unit, processing unit and access unit
are independent of each other,
wherein an owner of the data controls access to the
processing data for the program by controlling access to the
recording medium and
wherein only the program, program identifying information
and data identifying information are recorded in the processing
unit.

Claim 11 recites similar limitations. That is, Ngano et al. nowhere discloses each of the primary units (i.e., command, processing and accessing) are independent; an owner of the data controls access to the processing data and that *only* the program, program identifying information and data identifying information are recorded in the processing unit. Thus, Ngano et al. does not disclose each and every element as set forth in the claim, either expressly or inherently. Therefore, it is respectfully submitted that Ngano et al. does not disclose, anticipate or inherently teach the claimed invention and that independent claims 1, 2 and 11; and claims dependent thereon, patentably distinguish thereover.

35 U.S.C. § 103 Rejections

⁴ *Id.* at FIG. 2; and column 5, lines 54-58.

⁵ *Id.* at FIG. 2; and column 5, lines 17-30.

⁶ *Id.* at FIG. 2; and column 4, lines 3-6.

Claims 7-10, 15, and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagano et al. in view of Ginter et al. Applicant respectfully traverses the rejection.

Claims 7-10, 15 and 16 are ultimately dependent upon either claim 1 or claim 2. As discussed above, Ngano et al. does not disclose the limitations of claims 1-4, 7-11, 13 and 15-16. Thus, at least for the reasons discussed above, Ngano et al. also does not disclose claims 7-10, 15 and 16.

The outstanding Office Action acknowledges deficiencies in Ngano et al. and attempts to overcome those deficiencies by combining Ginter et al. with Ngano et al. However, Ginter et al. cannot overcome all of the deficiencies of Ngano et al., as discussed below.

Ginter et al. discloses systems and methods for secure transaction management and electronic rights protection.⁷ However, Ginter et al. nowhere discloses as amended claim 1 and claim 2 recite:

wherein the command unit, processing unit and access unit
are independent of each other,
wherein an owner of the data controls access to the
processing data for the program by controlling access to the
recording medium and
wherein only the program, program identifying information
and data identifying information are recorded in the processing
unit.

That is, Ginter et al. nowhere discloses the deficiencies of Ngano et al. discussed above of an owner of the data controls access to the processing data and that *only* the program, program identifying information and data identifying information are recorded in the processing unit. Thus, Ginter et al. cannot overcome the deficiencies of Ngano et al. Therefore, it is respectfully submitted that Ngano et al. does not disclose, suggest or make obvious the claimed invention and that independent claims 1, 2 and 11; and claims dependent thereon, patentably distinguish thereover.

⁷ Ginter at ABSTRACT.

Conclusions

In view of the above, consideration and allowance are respectfully solicited. In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

If a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 21604-00016-US from which the undersigned is authorized to draw.

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Respectfully submitted,

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